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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

RIPLEY, JAY R

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/527,967	Applicant(s) AMBROSI, JOHANN	
	Examiner JAY R. RIPLEY	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15, 16 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) 25-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15, 16 and 20-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Attachment A</u> . |

DETAILED ACTION

Election/Restrictions

Claims 26-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species, those species shown in original Figures 5 and 6, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 03/27/2007.

Claim Objections

Claim 15 is objected to because the recitation in lines 1-2 of “A symmetrical hose coupling for large volume hoses having a diameter in the range of several hundred millimeters comprising” should be --A symmetrical hose coupling for large volume hoses having a diameter in the range of several hundred millimeters, the symmetrical hose coupling comprising-- to be grammatically correct and to make clear that the following recitation is not merely drawn to the “large volume hoses”.

Claim 16 is objected to because the recitation in lines 1-2 of “A symmetrical hose coupling for large volume hoses having a diameter in the range of several hundred millimeters comprising” should be --A symmetrical hose coupling for large volume hoses having a diameter in the range of several hundred millimeters, the symmetrical hose coupling comprising-- to be grammatically correct and to make clear that the following recitation is not merely drawn to the “large volume hoses”.

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Claim 20 is objected to because the recitation in lines 1-2 of “A symmetrical hose coupling for large volume hoses having a diameter in the range of several hundred millimeters comprising” should be --A symmetrical hose coupling for large volume hoses having a diameter in the range of several hundred millimeters, the symmetrical hose coupling comprising-- to be grammatically correct and to make clear that the following recitation is not merely drawn to the “large volume hoses”.

Claim 21 is objected to because the recitation in lines 1-2 of “A symmetrical hose coupling for large volume hoses having a diameter in the range of several hundred millimeters comprising” should be --A symmetrical hose coupling for large volume hoses having a diameter in the range of several hundred millimeters, the symmetrical hose coupling comprising-- to be grammatically correct and to make clear that the following recitation is not merely drawn to the “large volume hoses”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Wells (U.S. 396,093).

In regard to claims 20 and 21, Wells discloses a symmetrical hose coupling for large volume hoses having a diameter in the range of several hundred millimeters (the Examiner notes that the preamble of a claim is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self contained description of the structure) comprising

a pair of like coupling members (as observed in Figures 1-2 in Attachment A), each of the coupling members having a cylindrical hose attachment connector (as observed in Figure 2 in Attachment A) and a cam ring integrally formed in one piece with the cylindrical hose attachment connector (as observed in Figure 2 in Attachment A - the Examiner notes that the phrase "integrally formed in one piece" is not to be equated with the term "monolithic"), the connector having an outside diameter (all three dimensional objects have a "diameter"), the cam ring having a plurality of cams (each "cam ring" can be said to have two "cams" as observed in Figures 1 and 2, see Attachment A) integrally formed in one piece with the cam ring, the cams being arranged about the periphery of the cam ring (as observed in Figure 3, see Attachment A) and projecting from the cam ring in a radial direction (as observed in Figure 3, see Attachment A), the cams having a radial width (as observed in Figure 3, see Attachment A) and projecting with their radial width beyond the outside diameter of the cylindrical hose attachment connector (as observed in Figure 3, see Attachment A) for defining the largest outside diameter of the coupling which is larger than the outside diameter of the connector by the radial width dimension of the cams (as observed in Figure 3, see Attachment A),

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wherein the cams project radially from the cam ring (as observed in Figure 3, see Attachment A) to form a sloped outer surface ("sloped" in relation to some datum) extending from the outer diameter of the cylindrical hose attachment connector to the largest outer diameter of the coupling (as observed in Figure 3, see Attachment A),

the cams being hook-shaped in a tangential direction of the cam ring (as observed in Figure 1, see Attachment A) and each having a radial surface area for transmitting an axial force (the "radial surface areas" circled in Figure 1, see Attachment A), and the cams of the coupling members engaging into each other during coupling such that the radial surface areas engage behind each other;

the cams having an axial end face (as observed in Figure 1, see Attachment A), and

the cams of the coupling members engaging into each other during coupling (as observed in Figure 1, see Attachment A) such that the radial surface areas engage behind each other and such that the axial end face of the cams of one coupling member remain free in the axial direction and do not lie opposed to a surface of the cams or the cam ring of the other coupling member (as observed in Figure 1, see Attachment A).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15, 16, and 22-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Wells (U.S. 396,093) as applied to claims 20 and 21 above, in view of Hiromoto (U.S. 5,857,713)

In regard to claims 15, 16, and 22-25, Wells discloses the claimed invention except for the cam rings having twelve cams.

Hiromoto teaches coupling for hose, the coupling comprising a pair of like coupling members and a cam ring having cams integrally formed in one piece with the cam ring (see Figure 1 in the U.S. 5,857,713 document). Hiromoto teaches starting in column 4, indicated line 55: "To connect the coupling main bodies 1a and 1b with each other, they are placed vis-à-vis in a substantially coaxial state as shown in FIG. 1 and then put together in such a way that the engaging projections are received by the respective engaging recesses 7. Since the engaging projections 8 having an identical profile and arranged with regular intervals, they may be received by any engaging recesses 7. Thus, if the number of engaging projections 8 is six on each coupling main body, they can be brought into engagement with the corresponding engaging recesses 7 by rotating the coupling main bodies 1a and 1b by about 30° at most relative to each other. In other words, the fire fighting hoses 2a and 2b connected to the respective coupling main bodies 1a and 1b do not have to be subjected to excessive twisting motion to bring the coupling main bodies into mutual engagement" (emphasis added). Hiromoto is teaching that it is advantageous to have more cam structures to allow the connection to be made with less required rotational movement and thereby twist the attached hoses less.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the symmetrical hose coupling of Wells by providing 12 cams on the cam ring, since such a modification is taught by Hiromoto to be advantageous to allow the connection to be made with less required rotational movement and thereby twist the attached hoses less and since it has been held that duplicating the components of a prior art device is a design consideration within the skill of the art. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

In regard to claims 22-25, the Examiner notes that the recitation of “wherein the cylindrical hose attachment connector is adapted to connect a hose with an inner diameter of about 305 millimeter” in claims 22-25, e.g., claim 16, lines 1-2, and claim 25, lines 2-3, is given little patentable weight since it has been consistently held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). Moreover, the “hose” has not been set forth as a positive element of the claimed coupling nor has it been specified as to how the connector is “adapted”. Thus, the “hose” recitation is nothing more than the recitation of but one possible field of intended use for the coupling.

Response to Arguments

Applicant's arguments filed 06/29/2009 have been fully considered but they are not persuasive.

Concerning the Applicant's discussion in page 6, the third full paragraph in the page, of the reply filed 06/29/2009, drawn to the age of the Wels (U.S. 296,093) reference, the arguments are not persuasive. Contentions that the reference patents are old are not impressive absent a showing that the art tried and failed to solve the same problem notwithstanding its presumed knowledge of the references. See *In re Wright*, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977). No such showing has been provided.

Concerning the Applicant's discussion starting in page 6, the last paragraph in the page, of the reply filed 06/29/2009, the arguments are not persuasive. It appears that the Applicant is attempting to put forth some criticality to the limitation of the symmetrical hose coupling having 12 cams. However, as put forth in the rejections under 35 USC 103 rejections over Wells (U.S. 396,093) as applied to claims 20 and 21 above, in view of Hiromoto (U.S. 5,857,713), Hiromoto teaches that it is advantageous to have more cam structures to allow the connection to be made with less required rotational movement and thereby twist the attached hoses less. Also, the simple duplication of working parts to perform the function for which the parts are intended to perform has been deemed obvious as a design consideration within the skill of the art. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Concerning the Applicant's discussion starting in page 7, the last 6 lines in the page, of the reply filed 06/29/2009, the arguments are not persuasive. The Applicant is arguing an intended use not positively claimed, since the recitations in the claims concerning "large volume hoses" are in the preambles of the independent claims 15, 16, 20 and 21. It has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951).

Concerning the Applicant's discussion starting in page 8, the last 6 lines in the page, of the reply filed 06/29/2009, drawn to the structural limitations of the phrase "integrally formed in one piece" versus the meaning of the term "monolithic", the arguments are not persuasive. It is well established that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding (*In re Hotte* (CCPA) 177 USPQ 326). As such, the phrase "integrally formed in one piece" simply means that some components make up an article that functions as a single piece. In page 8, lines 14-15, of the reply filed 06/29/2009, the Applicant states: "The terms 'integrally formed in one piece' and 'monolithic' are substantially synonymous." What encompasses "substantially synonymous"? Is the Applicant indicating that the structure of that is between 51 percent and 99 percent "monolithic" is to meet the criteria of "integrally formed in one piece"? The phrase "integrally formed in one piece" is not a synonym for the term "monolithic" and structures comprising multiple elements that are united in some fashion meet the limitations of "integrally formed in

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one piece". Applicant's arguments are not persuasive and, if the Applicant intends to claim a monolithic structure, the Applicant should simply recite such in the claims.

Conclusion

Applicant's amendment (the limitation drawn to "twelve cams" as recited in claims 15, 16, 24, and 25, e.g. claim 15, lines 5-6, and claim 25, line 1) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAY R. RIPLEY whose telephone number is (571)272-7535. The examiner can normally be reached on Monday through Friday, 1:30 P.M. - 10:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jay R Ripley/
Examiner, Art Unit 3679

/Daniel P. Stodola/
Supervisory Patent Examiner, Art Unit 3679